

DRAFT

MINUTES OF THE CITY COUNCIL OF THE CITY OF GREENSBORO, N. C.

REGULAR MEETING:

15 AUGUST 2006

The City Council of the City of Greensboro met in regular session at 5:30 p.m. on the above date in the Council Chamber of the Melvin Municipal Office Building with the following members present: Mayor Keith A. Holliday, presiding; Councilmembers Michael L. Barber, T. Dianne Bellamy-Small, Sandra G. Carmany, Florence F. Gatten, Yvonne J. Johnson, Thomas M. Phillips and Goldie F. Wells. Absent: Councilmember Sandra Anderson Groat, excused by action of Council. Also present were Mitchell Johnson, City Manager; Linda A. Miles, City Attorney; and Juanita F. Cooper, City Clerk.

The meeting opened with a moment of silence and the Pledge of Allegiance to the Flag.

The Manager recognized Barry Murray, employee in the Organizational Development and Communications Department, who served as courier for the meeting.

The Mayor explained the Council procedure for conduct of the meeting.

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Councilmember Barber moved to excuse Councilmember Groat from attendance at this meeting. The motion was seconded by Councilmember Gatten and adopted unanimously by voice vote of Council.

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Mayor Holliday recognized members of Boy Scout Troops 405 and 160 who were present at the meeting.

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The following individuals spoke as speakers from the floor.

Dottie Neely, residing at 709A Englewood Street, detailed her longtime use of Greensboro busses, noted the confusion with regard to the change in location of bus stops that she believed was caused by area construction, and expressed concern that this change had resulted in problems with her being able to use the service and the overall bus service in her area.

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Anjall Ahmad, residing at 2 Ivy Glen, spoke to her membership in an organization for disabled individuals and offered her thoughts with regard to recent Council action to eliminate the unlimited ride pass and offer the \$72 60-ride Specialized Community Area Transportation (SCAT) pass that she believed was unaffordable to the majority of the disabled population. She stated that, in her opinion, this action would have a negative impact on disabled citizens who used the SCAT system.

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A statement was read for Chris Fagg, a resident of Bell House located at 2400 Summit Avenue, which expressed his appreciation for the SCAT service, detailed his use of the service, stated he couldn't afford to pay \$72 per month for a SCAT pass, and offered thoughts with regard to lower SCAT fares.

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Andrew Blythe, residing at 2400 Summit Avenue, spoke to his use of the SCAT system to attend recreational activities, stated the fare increases would make it more difficult for him to get a job next year, offered examples of the hardship the recent changes in SCAT fares would have on persons with disabilities and encouraged Council to explore ways to resolve this matter.

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Debra Harris, residing at 219 Gant Street and a student at Guilford Technical Community College, spoke to her use of the SCAT services, stated she could not afford the \$72 pass, noted Council had disregarded proposals for alternate fares, and expressed her perception and concern with the manner in which disabled citizens had been treated.

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John Wilbert, residing at 2400 Summit Avenue, spoke to his use of the SCAT services and stated he could not afford the \$72 pass.

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Sheila Troxler, residing at Bellhouse at 2400 Summit Avenue, spoke to her use of the SCAT system, requested Council to consider a more reasonably-priced pass and expressed concern with the negative impact an increase in the cost of the SCAT passes would have on members of the disabled community.

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Lynn Weaver, residing at Bellhouse at 2400 Summit Avenue, spoke to the use of the SCAT service by citizens with disabilities, noted she lived on a limited income and stated the \$72 pass would have a negative impact on disabled citizens.

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Councilmember Gatten emphasized that tonight's discussion was about the \$72, 60-ride pass which equated to about \$1.20 per ride that costs the City \$23 per trip to provide. She noted that the GTA Task Force would meet to work on an intermediate price pass for future riders and would discuss the feasibility of offering a pass that would be less per month and between the 10-ride and 60-ride pass. Councilmember Johnson spoke in support of the Task Force plans to review and determine if there was a way to meet the needs of the disabled population.

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Brooke Bloomquist, residing at One Loch Ridge Court, described the upcoming Greater Greensboro Carnival created by she and two other local students which would benefit Urban Ministries and the Animal Shelter; Ms. Bloomquist encouraged everyone to attend.

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Leon Nutes, residing at 214 Peach Orchard Drive, offered his personal thoughts with regard to the upcoming bond referendum and its negative impact on taxpayers, the Higher Education Area Transit (HEAT) transportation system for students, the money contributed for economic development, and the roundabout on Lake Jeanette. The Mayor advised that the HEAT service was paid for by student fees at their schools.

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Joey Medaloni, 113 South Elm Street and downtown business owner, detailed progress that had been made in downtown Greensboro, noted the special tax that had been implemented to enhance the downtown, described the current downtown night life and encouraged Council to visit the area to see the changes. Speaking to challenges facing the downtown and the need for the City to be proactive, he spoke to the need for more police and stronger ordinances to address specific problems in the downtown area. The Mayor used a brief video to illustrate nighttime activity in the downtown.

Assistant City Manager Brown spoke to efforts to work with the Police Department to develop solutions to these issues.

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Luther Falls, Jr., residing at 3038 Avalon Road, expressed appreciation for the support of the recent Buffalo Soldiers convention and related activities, stated he planned to return to discuss with Council the status of former parks and recreation basketball courts where the goals had been removed, and detailed the creation of a young group of jazz musicians and their activities.

Councilmember Johnson expressed appreciation to City Manager Johnson and Assistant City Manager Brown for their work to make the Buffalo Soldiers event successful.

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At the Mayor's request, Councilmember Bellamy-Small introduced and read into the minutes a resolution honoring the memory of the late James A. Moen; she made brief comments about Mr. Moen. Councilmember Johnson moved adoption of the resolution. The motion was seconded by Councilmember Wells; the resolution was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Holliday, Johnson, Phillips and Wells. Noes: None.

156-06 RESOLUTION HONORING THE MEMORY OF THE LATE JAMES A. MOEN

WHEREAS, on July 24, 2006, this community lost one of its outstanding community leaders with the death of the late James A. Moen at the age of 66;

WHEREAS, James, a native of Decorah, Iowa, graduated from Decorah High School and attend Luther College where he graduated with a Bachelor of Arts degree in economics;

WHEREAS, in September, 1963 he was commissioned into the United States Air Force where he served for thirty years;

WHEREAS, during his distinguished military career he served in Vietnam and in Operation Desert Storm/Desert Shield and, as a Colonel, he served as Combat Support Commander over the largest deployed location during the Persian Gulf War;

WHEREAS, he completed his military career as the last Wing Commander at Myrtle Beach Air Force Base before retiring on April 30, 1993;

WHEREAS, following his military career he became the Director of Transportation for the Guilford County School System on July 1, 1994 serving in that capacity until his death;

WHEREAS, the City Council wishes to express its sense of loss and its sincere appreciation and gratitude for the many years of dedicated public service rendered by James A. Moen, the outstanding contributions he has made to the community, and the legacy he leaves.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the City Council hereby expresses, on behalf of the citizens of Greensboro, a deep sense of loss and a feeling of respect and gratitude for the life of James A. Moen.
2. That a copy of this resolution shall be delivered to the family of the late James A. Moen as a symbol of the gratitude of the people of Greensboro for his contributions to this community.

(Signed) Yvonne J. Johnson

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Councilmember Gatten mentioned that she would present a resolution for Maggie Keese-Forrester at an upcoming meeting.

Councilmember Johnson advised she would offer a resolution for Leonard Robinson at a later date.

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Councilmember Johnson and Andy Scott, Director of Housing and Community Development, recognized Oddy Chavis and Johnny Kelly of Chavis and Kelly Construction, for their work in building single family homes in Willow Oaks and for receiving the 2006 Parade of Homes Gold Award. Mr. Scott also recognized Larry Holt, Hope VI coordinator with the Greensboro Housing Authority, and noted his retirement from the Authority. Council offered personal comments about the Willow Oaks project and expressed appreciation to Messrs. Kelly and Chavis for the quality of their homes.

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Co-chairs of the Bicentennial Commission, Claudette Burroughs-White, Al Lineberry, and Elizabeth Stauffer, presented an update with regard to the work of the Commission. Ms. Burroughs-White spoke to the Commission's efforts to gain public input and invited everyone to attend the planned community forum on August 29 that would provide an opportunity for citizens to share their ideas with the Commission. She noted that neighborhoods were excited about the Bicentennial process.

Mr. Lineberry introduced Zana Wall, Executive Director for the Bicentennial Commission, and noted her expertise would be important to the work of the Commission.

Ms. Stauffer spoke to the creation and adoption by the Commission of two versions of a logo for the 2008 Bicentennial. A mug with the logo was presented to members of the City Council and the Managers.

Ms. Burroughs-White advised that the logo would be trademarked and standards for its use would be developed.

The Mayor and members of Council expressed appreciation to the Commission; Co-chairs Burroughs-White, Lineberry and Stauffer; and the Executive Director for their work in planning the Bicentennial celebration.

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Mayor Holliday stated that this was the time and place set for a public hearing to consider a resolution authorizing on basis of public necessity sanitary sewer improvements on Lake Jeanette Road, sewer extension from Ridgedale Drive to approximately 350 feet southwest of Ridgedale Drive. Noting that this item had been continued from the July 31, 2006 meeting of Council and confirming that appropriate notices had been sent, Mayor Holliday asked if anyone wished to be heard.

There being no one present desiring to speak to this matter, Councilmember Phillips moved adoption of the resolution. The motion was seconded by Councilmember Gatten; the resolution was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson, Phillips and Wells. Noes: None.

L-179 RESOLUTION ORDERING THE MAKING OF CERTAIN LOCAL IMPROVEMENTS

LAKE JEANETTE ROAD SEWER EXTENSION FROM RIDGEDALE DRIVE TO APPROXIMATELY 350 FEET SOUTHWEST OF RIDGEDALE DRIVE

WHEREAS, due notice has been given that on the 15th day of August, 2006 at 5:30 p.m. in the Council Chamber in the Municipal Office Building a public hearing would be held on the improvements hereinafter described and that all objections to the legality of the making of the improvements are required by law to be made in writing, signed in person or by attorney, and filed with the City Clerk at or before the time of the public hearing; and

WHEREAS, the public hearing has now been held and no objections have been made to the making of the improvements;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

A. That the street or streets hereinabove set out is/are

LAKE JEANETTE ROAD FROM RIDGEDALE DRIVE TO APPROXIMATELY 350 FEET SOUTHWEST OF RIDGEDALE DRIVE

B. That the local improvements to be made on the street or streets set out above are as follows:

- (a) Sanitary Sewer Improvements. A sanitary sewer main of 8-inch size to be laid on the street or streets hereinabove named within the limits defined, and that necessary laterals (including water laterals where none exist and water main has been installed) be laid for the proper connection of abutting property.

C. That the proportion of the cost of the improvements to be assessed against the abutting property and the terms of payment will be as provided in the Notice of Public Hearing which was served on the owners of the property to be assessed.

D. That this resolution be published one time in a newspaper published in the City of Greensboro as notice of the matters herein set out.

(Signed) Thomas M. Phillips

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance amending Chapter 30 of the Greensboro Code of Ordinances with respect to Section 30-4-1.3 Overlay districts to list the Pedestrian Scale Overlay District as an overlay district along with the other overlay districts. Mayor Holliday asked if anyone wished to be heard.

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Councilmember Johnson left the meeting at 6:43 p.m. during the discussion.

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After a brief explanation by Assistant City Manager Robert "Bob" Morgan and there being no one present desiring to speak to this matter, Councilmember Bellamy-Small moved adoption of the ordinance. The motion was seconded by Councilmember Wells; the ordinance was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Holliday, Johnson (in absentia as provided for by law), Phillips and Wells. Noes: None

06-175 AMENDING CHAPTER 30

AN ORDINANCE AMENDING THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO ZONING, PLANNING AND DEVELOPMENT

Section 1. That Section 30-4-1.3 Overlay districts, is hereby amended by adding subsection 30-4-1.3(G), PED Pedestrian Scale District, to read as follows:

“(G) PED Pedestrian Scale Overlay District. The PED, Pedestrian Scale Overlay District establishes regulations to accommodate commercial, residential, office, and neighborhood business uses as infill development and to provide safe, walkable, attractive, pedestrian-oriented areas. These regulations are specified in Section 30-4-4 (Overlay District Requirements).”

Section 2. All ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

Section 3. This ordinance shall be effective upon the date of adoption.

(Signed) T. Dianne Bellamy-Small

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance amending Chapter 30 of the Greensboro Code of Ordinances with respect to Section 30-4-4.4, Airport Overlay District, to revise the boundary of the Airport Overlay District such that a tract split by the boundary line would be considered exempt from the provisions. He asked if anyone wished to be heard.

After a brief explanation by Mr. Morgan and there being no one present desiring to speak to this matter, Councilmember Bellamy-Small moved adoption of the ordinance. The motion was seconded by Council member Wells; the ordinance was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson (in absentia as provided for by law), Phillips and Wells. Noes: None.

06-176 AMENDING CHAPTER 30

AN ORDINANCE AMENDING THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO ZONING, PLANNING AND DEVELOPMENT

Section 1. Amend Section 30-4-4.4, Airport overlay district, to add a new subsection with the following text:

- (3) When a tract is split by the boundary of the airport overlay district, development on that entire tract is considered exempt from the provisions of this overlay district. In this case, the overlay district boundary will be considered as following along the property line of the tract that is fully inside the overlay district. However, in no case should the shifting of the overlay boundary to a property line have the effect of moving it more than 600 feet from the boundary location as indicated on the City’s Official Zoning Map.

Section 2. All ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

(Signed) T. Dianne Bellamy-Small

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The Mayor stated that this was the time and place set for a public hearing to consider an ordinance amending Chapter 30, Subsection 30-4-6.2(C) 2, to eliminate interior yard space triangles, while keeping them around the project boundary. Mayor Holliday asked if anyone wished to be heard.

After an explanation by Assistant City Manager Morgan, Attorney Derrick Allen, spoke in support of the ordinance, stated that the existing ordinance had outlived its use, and advised that he believed the proposed change had unanimous support.

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Councilmember Johnson re-entered the Chamber at 6:46 p.m. during the above discussion.

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Councilmember Phillips moved adoption of the ordinance. The motion was seconded by Councilmember Gatten ; the ordinance was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Holliday, Johnson, Phillips and Wells. Noes: None.

06-177 AN ORDINANCE AMENDING THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO ZONING, PLANNING AND DEVELOPMENT

Section 1. That Section 30-4-6.2(C)2), General, is hereby amended by rewriting the section to read as follows:

“Additional Requirements for Developments with Three (3) or More Principal Buildings or a Width at Any Potential Building Location of One Hundred Twenty (120) Feet or More:

- a) On the site plan an isosceles triangle (yard space triangle) shall be drawn from each building façade which, at its closest point, lies within one hundred (100) feet of a lot line other than a street right-of-way line. Facades shall be designated on each building so that a minimum number, normally four, results. The base of the triangle shall be a line connecting the extreme ends of the façade (ignoring one-story storage rooms and other one-story protrusions of one hundred (100) square feet or less, exterior stairways, and decks), and its altitude shall be the length of the base line multiplied by a factor related to the height of the building as shown below:

Number of Stories	Altitude Factor
1	0.4
2	0.5
3	0.6
4 or more	0.7

As isosceles triangle thus established shall not overlap any portion of another property, unless that property is public parkland, dedicated drainageway and open space, or street right-of-way. (See Appendix 5: Illustrations.)

Section 2. All ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

Section 3. This ordinance shall be effective upon the date of adoption.

(Signed) Thomas M. Phillips

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Mayor Holliday stated that this was the time and place set for a public hearing public hearing to consider a resolution authorizing an economic development incentive grant, not to exceed the amount of \$120,000, for Kay Chemical Company for new jobs and new investment in facilities and equipment.

Assistant City Manager Ben Brown presented an overview of the Kay Chemical Company incentive request and recommendations as follows:

INCENTIVE REQUEST

- Requesting incentives to expand manufacturing capacity in Greensboro vs. another of the company's 11 facilities.
 - Illinois facility would require \$1 Million less in facility up-fit costs.
- Meets all three of the criteria in the Economic Incentive Guidelines and is in a targeted cluster.
 - Exceeds the minimum requirement for new hires (>20).
 - Average wage (not including benefits) meets Guilford County average.
 - Exceeds the minimum requirement for capital investment (>\$3,000,000).
 - Targeted Cluster
 - Headquarters chemical operation.

ECONOMIC IMPACT ANALYSIS

- Requesting incentives to expand manufacturing capacity in Greensboro vs. another of the company's 11 facilities.
 - Illinois facility would require \$1 Million less in facility up-fit costs.
- Meets all three of the criteria in the Economic Incentive Guidelines and is in a targeted cluster.
 - Exceeds the minimum requirement for new hires (>20).
 - Average wage (not including benefits) meets Guilford County average.
 - Exceeds the minimum requirement for capital investment (>\$3,000,000).
 - Targeted Cluster
 - Headquarters chemical operation.

THE OPPORTUNITY

- Adding 25 new employees in Greensboro.
- Will retain 386 current local employees (342 in Greensboro + 41 in Winston Salem).
 - Kay also has 356 additional employees based across the globe.
- Average salary of new jobs is \$35,000 per year (\$49,000 inclusive of full benefits valued at approximately 40% of salary).
- Investing \$3,060,000 in expanding their current facility, \$8,890,000 in new machinery and equipment, and \$1,160,000 in start-up expenses.
 - Will be using a local contractor, assuming bid is competitive.

EXPECTED RETURN ON CITY'S INVESTMENT

- County tax assessor projects incremental ad valorem City of Greensboro tax revenue of \$150,000 over a three year period.
- Grant to be recaptured solely through incremental ad valorem taxes within 3 years.
- City will also realize incremental sales/use tax revenue of \$75.9 thousand in the first three years associated with the purchase of the new machinery, equipment, and construction materials.
- Incremental sales tax revenue of \$4.2 thousand per year going forward associated with the direct and induced spending in the area by the company and its employees.
- Projected City of Greensboro incremental sales tax revenue of \$84.2 thousand over 5 years.

CORPORATE HISTORY

- Company was started in High Point in 1932 and relocated to Greensboro in 1969.
- Became a wholly owned subsidiary of Ecolab in 1994.
- Has grown and created 383 local jobs as of 6/06.

COMMITTED TO DIVERSITY

- Actively committed to a diverse workforce.
 - Workforce is 68.1% diverse (30.4% African American).
 - Management Team is 36.4% diverse.
 - Year to date Triad hires are 67.9% diverse (58.3% African American).
- \$23.5 Million year to date purchases from minority suppliers (33% of total purchases).
 - \$22 Million for African American Owned Companies.
 - \$1.5 Million from Women Owned Companies.
- 2005 Minority Franchise Association "Outstanding Corporate Sponsor"

RECOMMENDATION

- \$120,000 incentive grant.

- Represents 80% of total incremental ad valorem taxes to be received over a three year period.
- Paid out over three consecutive years.
- Execution of Performance-Based ED Incentive Grant Agreement.

Brief discussion was held with regard to the Company's applications for other incentives.

Helen Cauthen, Vice President for Greensboro Economic Development Alliance, detailed the cleaning products this company provided for many of the fast food businesses, spoke to the development and testing operation at the Greensboro location and the company's desire to expand their manufacturing facility, reviewed the economic incentive request, and spoke to other facilities that were seeking this manufacturing operation.

Steve Reid, General Manager for Kay Chemical, introduced Michele Deuterman, Vice President of the Company, spoke to the company's products and customers, detailed the company's history and its commitment and contributions to the local community, and requested Council to invest \$120,000 in incentives to help the company grow and expand its new product line in Greensboro

There being no additional speakers, Councilmember Bellamy-Small moved to close the public hearing. The motion was seconded by Councilmember Johnson and adopted unanimously by voice vote of Council.

After brief discussion with regard to the potential for the company's partnership opportunities with local universities, Councilmember Phillips offered his personal thoughts and expressed his opposition to this request and incentive requests in general.

Councilmember Bellamy-Small moved adoption of the resolution. The motion was seconded by Councilmember Johnson; the resolution was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Holliday, Johnson and Wells. Noes: Phillips

157-06 RESOLUTION AUTHORIZING ECONOMIC DEVELOPMENT INCENTIVE GRANT FOR KAY CHEMICAL COMPANY NOT TO EXCEED \$120,000

WHEREAS, on May 17, 2005, the City Council adopted New Economic Development Guidelines whereby the City may participate financially in the development of certain private improvements to promote economic development in accordance with the Guidelines and NCGS Section 158-7.1;

WHEREAS, Kay Chemical Company is currently located at 8300 Capital Drive in Greensboro and the need for new technology which will fundamentally change the way their product is manufactured and shipped, will result in a need to expand their present manufacturing facility;

WHEREAS, Kay Chemical Company, has requested that the City provide for a grant reimbursement for the expansion of their current facility which amount of participation is presently estimated at \$120,000 based on a portion of anticipated new taxes to be derived by the City and new employment upon completion of the project;

WHEREAS, it is further anticipated that Kay Chemical Company will invest an estimated \$11.95 million dollars in development and capital and create up to 25 jobs over the next three years;

WHEREAS, a public hearing has been held in accordance with N.C.G.S. 158-7.1 setting out the particulars of the request and the public benefits to be derived from said improvements;

WHEREAS, it is deemed in the best interest of the City to enter into a participatory agreement with Kay Chemical Company to share the cost of the above mentioned improvements whereby the City shall reimburse Kay Chemical Company, up to a maximum of \$120,000.00 for development costs based on a portion of new anticipated taxes to be received from the new project and upon the creation of new employment. The grant shall be paid over 3 years from completion of the project not to exceed \$120,000.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That in accordance with the City's New Economic Development Incentive Guidelines and pursuant to N.C.G.S. 158-7.1, a grant reimbursement and participatory agreement between the City of Greensboro and Kay Chemical Company, for site improvements and the creation of 25 new jobs over the next three years in an amount not to exceed \$120,000, is hereby approved, and the Mayor and City Clerk are hereby authorized to execute, on behalf of the City of Greensboro, the proper agreement.

(Signed) T. Dianne Bellamy-Small

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Councilmember Phillips removed Item # 21 from the Consent Agenda, and Councilmember Gatten removed Item #22.

Councilmember Bellamy-Small moved adoption of the ordinances, resolutions and motions remaining on the amended Consent Agenda. The motion was seconded by Councilmember Carmany; the amended Consent Agenda was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Holliday, Johnson, Phillips and Wells.

158-06 RESOLUTION AUTHORIZING CITY ATTORNEY TO INSTITUTE PROCEEDINGS TO CONDEMN PORTION OF THE PROPERTY OF CHARLES G. SIMS, IN CONNECTION WITH THE LAKE JEANETTE ROAD WIDENING PROJECT

WHEREAS, Charles G. Sims is the owner of certain property located on Lake Jeanette Road, said property being as shown on the attached map;

WHEREAS, a portion of said property is required by the City in connection with the Lake Jeanette Road Widening Project;

WHEREAS, negotiations with the owners at the appraised value of \$17,969.00 have been unsuccessful and said portion of property is necessary for said project;

WHEREAS, it is deemed necessary and in the best interest of the City that the City Attorney be authorized to institute civil proceedings to condemn said portion of property and that the Director of Finance be authorized to issue a draft to the Clerk of Superior Court as compensation to the owners in the amount of \$17,969.00;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That, pursuant to Chapter 40A of the North Carolina General Statutes, the City Attorney is hereby authorized to institute condemnation proceedings to acquire said portion of property, and the Director of Finance is hereby authorized to issue a draft in the amount of \$17,969.00 to the Clerk of Superior Court as compensation to the owners, payment to be made from Account No. 441-6003-10.6012 Activity No. 01067.

(Signed) T. Dianne Bellamy-Small

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159-06 RESOLUTION AUTHORIZING PURCHASE OF PROPERTY OF BRADLEY J. BUXTON, D.C. FOR THE BATTLEGROUND RAIL TRAIL PROJECT

WHEREAS, in connection with the Battleground Rail Trail project, the property owned by Bradley J. Buxton, D.C., Tax Map Nos. 273-6-15 and 16 and 273-6-35 is required by the City for said Project, said property being shown on the attached map;

WHEREAS, the required property has been appraised at a value of \$57,626.33 and the owner has agreed to settle for the price of \$60,626.33, which settlement, in the opinion of the City Council, is a fair and reasonable alternative to condemnation;

WHEREAS, the owner has agreed to convey said property to the City at the agreed price and it is deemed in the best interest of the City to acquire said property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the agreed price of the above mentioned portion of property in the amount of \$60,626.33 is hereby approved, and the purchase of the property in accordance with the agreed price is hereby authorized, payment to be made from Account No. 441-6004-02.6012 Activity #02042.

(Signed) T. Dianne Bellamy-Small

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160-06 RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A MUNICIPAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR THE DESIGN, CONSTRUCTION AND CONSTRUCTION ADMINISTRATION OF THE WENDOVER AVENUE INTERSECTION/SIDEWALK IMPROVEMENT PROJECT

WHEREAS, the North Carolina Department of Transportation and the City of Greensboro propose to make certain street and highway improvements consisting of improvements along SR 1541 (Wendover Avenue) from Edwardia Drive to 850 feet west of Bridford Parkway and to the intersections at Bridford Parkway, Landmark Center Drive, Stanley Road and I-40 westbound exit ramp by constructing turn lanes, revising islands and resurfacing roadway in Greensboro;

WHEREAS, the Department of Transportation and the City of Greensboro propose to enter into an agreement for construction of the aforementioned highway improvement whereby the City of Greensboro agrees to design the project plans, acquire the right of way and adjust utilities, award the construction contract, and supervise project construction;

WHEREAS, said agreement provides for the City of Greensboro to be responsible for the costs of design and preparation of plans for the entire project, for the costs of engineering and supervision of construction of the entire project, and for administrative costs incurred in the acquisition of right of way of the project;

WHEREAS, said agreement further provides for the Department of Transportation to reimburse the City of Greensboro to a maximum extent of \$750,000.00 for the actual contract construction costs of the project.

NOW, THEREFORE, BE IT RESOLVED that said Project, Guilford County, is hereby formally approved by the City Council of the City of Greensboro and that the Mayor and Clerk of this Municipality are hereby empowered to sign and execute the Agreement with the Department of Transportation.

(Signed) T. Dianne Bellamy-Small

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06-178 ORDINANCE ESTABLISHING THE BUDGET FOR THE WENDOVER AVENUE INTERSECTION/SIDEWALK IMPROVEMENT PROJECT

Section 1:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the State, Federal, and Other Grants Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the State, Federal, and Other Grants Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-4570-01.5427	Contracted Construction	<u>\$750,000</u>
TOTAL		\$750,000

And, that this increase be financed by increasing the following State, Federal, and Other Grants Fund accounts:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-4570-01.7110	State Grant	<u>\$750,000</u>
TOTAL:		\$750,000

Section 2:

And, that this ordinance should become effective upon adoption.

(Signed) T. Dianne Bellamy-Small

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06-179 AN ORDINANCE CHANGING NAME OF STREET

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the following street name change is hereby authorized to become effective immediately:

<u>PRESENT NAME</u>	<u>PORTION</u>	<u>NEW NAME</u>
Mayfield Court	That section of Mayfield Court located in the Pleasant Ridge Farms West, Section 3 Subdivision, recorded in Plat Book 161, at Page 16, Guilford County Registry.	Estes Court

(Signed) T. Dianne Bellamy-Small

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06-180 AN ORDINANCE ASSIGNING NAME OF STREET

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the following street name assigned is hereby authorized to become effective immediately:

<u>PRESENT NAME</u>	<u>PORTION</u>	<u>NEW NAME</u>
New street	New street alignment	Brushwood Court

running from West Friendly
Avenue northward and forming
a continuous alignment with the
existing Brushwood Court

(Signed) T. Dianne Bellamy-Small

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161-06 RESOLUTION LISTING LOANS AND GRANTS FOR CITY COUNCIL APPROVAL

WHEREAS, at its March 1st meeting City Council the City Manager was instructed to include on the regular Council Consent Agenda all loans and grants in excess of \$10,000;

WHEREAS, City Council approval is required for all loans and grants, or pass through loans or grants in excess of \$10,000 on the recommendation of agencies, non-profits, or other organizations acting on behalf of the City prior to the disbursement of funds;

WHEREAS, requests have been made for loans in excess of \$10,000, said requests are presented herewith this day.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the requests for loans in excess of \$10,000 presented herewith this day are hereby approved in accordance with the guidelines set at the March 1, 2005 council meeting.

(Signed) T. Dianne Bellamy-Small

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162-06 RESOLUTION APPROVING EXTENSION OF SEWER SERVICE TO THE STONE GABLES AT FOREST OAKS SUBDIVISION PROPERTY

WHEREAS, Mid-Atlantic Development Company, Inc. is the owner of property located along Liberty Road in Fentress Township identified by Tax Map No. 9-581-410-5 which is located within the City's Limited Availability area and is eligible for Greensboro utility services;

WHEREAS, at the July 20, 2006 Commissioner's meeting, the Guilford County Board of Commissioners approved the proposed sewer project for the Stone Gables development on said property;

WHEREAS, the owner, Mid-Atlantic Development Company will be solely responsible to fund the cost of the sewer project to the Stone Gables at Forest Oaks Subdivision property if approved by Council.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the extension of sewer service to the Stone Gables at Forest Oaks subdivision property is hereby approved.

That the owner, Mid Atlantic Development Company will be solely responsible to fund the cost of said project.

(Signed) T. Dianne Bellamy-Small

.....

163-06 RESOLUTION APPROVING AND AUTHORIZING ADJUSTMENT TO WATER AND SEWER BILL FOR SERVICE TO 5 CHARLESTON SQUARE

WHEREAS, under the Rules and Regulations for the Operation of the Water and Wastewater System of the City of Greensboro the Water Resources Customer Service Department is occasionally required to make adjustments to customer service bills;

WHEREAS, the resident of property located at 5 Charleston Square terminated service to take the active billing out of their name and a reading was taken for final billing services;

WHEREAS, the 5/8-inch water meter at said property was replaced on June 2, 2006 prior to the resident terminating service;

WHEREAS, at the time of installation, the new meter reading was about to trip over to zero from 9999, but since no water was used, it remained at 9999 causing the final bill to read as 9999 units rather than zero;

WHEREAS, it has been determined that \$33,950.94 represents the water rebate and \$25,506.25 represents the sewer rebate.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the reduction of this water bill is hereby approved and the Water Resources Customer Service Department is hereby authorized to reduce the bill dated July 6, 2006, for service to 5 Charleston Square by \$59,457.19.

(Signed) T. Dianne Bellamy-Small

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164-06 RESOLUTION AUTHORIZING ACCEPTANCE OF DEED GIFT TO THE CITY OF GREENSBORO PARKS AND RECREATION DEPARTMENT BY BILL LINNANE

WHEREAS, Bill Linnane has offered to convey property located on South Holden Road between West Meadowview Road and Interstate 40 to the City of Greensboro as a gift, said property being shown on the attached map;

WHEREAS, this property will become part of the City's drainageway and open space;

WHEREAS, it is deemed in the best interest of the City to accept this deed gift from Bill Linnane.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That, on behalf of the City of Greensboro, the acceptance of the Gift Deed of property located on South Holden Road between West Meadowview Road and Interstate 40 from Bill Linnane is hereby approved and said deed shall be recorded in the Office of the Register of Deeds of Guilford County.

(Signed) T. Dianne Bellamy-Small

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06-181 ORDINANCE AMENDING THE FY 2006-2007 FEDERAL, STATE AND OTHER GRANTS PROJECT FUND BUDGET FOR THE WORKFORCE INVESTMENT ACT PROGRAMS

Section 1

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the Federal, State and Other Grants Project Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the Workforce Investment Act (WIA) PY 2005 Incumbent Worker Program ABB Inc. Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
216-0256-60.5561	WIA Incumbent Worker	<u>\$13,771</u>
Total		\$13,771

and, that this increase be financed by increasing the Workforce Investment Act (WIA) PY 2005 Incumbent Worker Program ABB Inc. Fund account:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
216-0256-60.7100	Federal Grant	<u>\$13,771</u>
Total		\$13,771

Section 2

That the appropriation to the Workforce Investment Act (WIA) PY 2005 Incumbent Worker Program Bruce Terminix Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
216-0256-61.5561	WIA Incumbent Worker	<u>\$24,182</u>
Total		\$24,182

and, that this increase be financed by increasing the Workforce Investment Act (WIA) PY 2005 Incumbent Worker Program Bruce Terminix Fund account:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
216-0256-61.7100	Federal Grant	<u>\$24,182</u>
Total		\$24,182

Section 3

That the appropriation to the Workforce Investment Act (WIA) PY 2005 Incumbent Worker Program Marsh Furniture Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
216-0256-62.5561	WIA Incumbent Worker	<u>\$39,375</u>
Total		\$39,375

and, that this increase be financed by increasing the Workforce Investment Act (WIA) PY 2005 Incumbent Worker Program Marsh Furniture Fund account:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
216-0256-62.7100	Federal Grant	<u>\$39,375</u>
Total		\$39,375

Section 4

That the appropriation to the Workforce Investment Act (WIA) PY 2005 Incumbent Worker Program Mid Town Body Repair Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
216-0256-63.5561	WIA Incumbent Worker	<u>\$21,483</u>
Total		\$21,483

and, that this increase be financed by increasing the Workforce Investment Act (WIA) PY 2005 Incumbent Worker Program Mid Town Body Repair Fund account:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
216-0256-63.7100	Federal Grant	<u>\$21,483</u>
Total		\$21,483

Section 5

That the appropriation to the Workforce Investment Act (WIA) PY 2005 Incumbent Worker Program Tiger Controls Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
216-0256-64.5561	WIA Incumbent Worker	<u>\$13,230</u>
Total		\$13,230

and, that this increase be financed by increasing the Workforce Investment Act (WIA) PY 2005 Incumbent Worker Program Tiger Controls Fund account:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
216-0256-64.7100	Federal Grant	<u>\$13,230</u>
Total		\$13,230

Section 6

That the appropriation to the Workforce Investment Act (WIA) PY 2005 10% Statewide Activities Capacity Building Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
216-0256-52.5222	WIA Capacity Building	<u>\$2,000</u>
Total		\$2,000

and, that this increase be financed by increasing the Workforce Investment Act (WIA) PY 2005 Statewide Activities Capacity Building Fund account:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
216-0256-52.7100	Federal Grant	<u>\$2,000</u>
Total		\$2,000

Section 7

And, that this ordinance should become effective upon adoption.

(Signed) T. Dianne Bellamy-Small

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165-06 RESOLUTION AUTHORIZING CONVEYANCE OF EASEMENT LOCATED ON SPRING GARDEN STREET PREVIOUSLY CONVEYED TO THE CITY BY A FRANCHISEE OF McDONALD'S BACK TO McDONALD'S

WHEREAS, a McDonald's franchisee previously conveyed an easement located at the corner of West Market and Spring Garden Streets, Tax Map 376-2-4 to the City for the Spring Garden sidewalk project;

WHEREAS, the franchisee was not authorized by McDonald's Corporation to convey said easement as the Corporation is the owner of said property;

WHEREAS, upon recordation of the deed a check in the amount of \$3,930 was paid to the franchisee who in turn forwarded the funds to the Corporation;

WHEREAS, McDonald's Corporation is in the process of planning the re-build of its West Market and Spring Garden Street location and will build and dedicate a sidewalk that is superior to what the City would be allowed to build, and, in addition, will dedicate additional easement on the West Market Street side of the location;

WHEREAS, the Corporation cannot move forward with it's improvements until the City deeds the easement it received back to the Corporation;

WHEREAS, the Corporation has provided a check in the amount of \$3,930 payable to the City, said check is what the City initially paid for the easement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the Mayor and City Clerk are hereby authorized to execute a deed to McDonald's Corporation for an easement located on Spring Garden Street previously conveyed to the City by a franchisee of McDonald's.

(Signed) T. Dianne Bellamy-Small

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166-06 RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 2001-16 WITH JOHN S. CLARK COMPANY, INC. FOR THE MULTI- MODAL TRANSPORTATION CENTER

WHEREAS, Contract No. 2001-16 with John S. Clark Company, Inc. provides for the Multi-Modal Transportation Center;

WHEREAS, unforeseen conditions that needed to be completed prior to opening the facility under the North Carolina State Historical Preservation Office's restoration and preservation requirements, came about in the very last stages of the project and payment for said conditions was made as part of the existing contract, utilizing funds ear marked for other work within the contract, thereby necessitating a change order in the contract in the amount of \$58,528.00.

WHEREAS, the North Carolina Department of Transportation – Rail Division agreed to fund these improvements and agreed to include the payments to the city with the Phase III work, said funds have now been received and need to be applied to the contract to pay for the unpaid contracted items.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That a change order in the above-mentioned contract with John S. Clark Company, Inc. for the Multi-Modal Transportation Center Improvements is hereby authorized at a total cost of \$58,528.00, payment of said additional amount to be made from Account No. 566-4511-01.6019 Acct. #06155.

(Signed) T. Dianne Bellamy-Small

.....

167-06 RESOLUTION ALLOCATING FY2006/2007 FUNDING FOR DOWNTOWN SUPPORT ACTIVITIES

Section 1

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO

WHEREAS, the city of Greensboro adopted funding for the support of downtown activities in the amount of \$680,000 (\$255,000 General fund + \$425,000 MSD Tax Revenue in the fiscal year 2006/2007 budget):

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the following amounts will be allocated for these purposes in FY 2006-2007:

Downtown Maintenance and Appearance Program	\$403,900
Beautification Programs	\$40,475
Economic Development Program	\$90,125
Promotions and Special Events	\$15,750
Communications and Marketing	\$67,850
DGI Operation and Administration	\$142,500
TOTAL	\$760,600

Section 2

And, that this resolution should become effective upon adoption.

(Signed) T. Dianne Bellamy-Small

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Motion to approve minutes of regular meeting of 31 July 2006 was unanimously adopted.

.....

Motion to approve report of budget adjustments covering July 1-31, 2006 was unanimously adopted. (A copy of the report is filed in Exhibit Drawer P, Exhibit Number 1, which is hereby referred to and made a part of these minutes.)

.....

Mayor Holliday introduced a resolution calling a public hearing for September 5, 2006 on the annexation of territory to the corporate limits-located at 3820 McConnell Road-27.66 acres which had been removed from the Consent Agenda by Councilmember Phillips.

After brief discussion with regard to the effective date of the annexation and the proposed zoning for the property, Councilmember Phillips noted that the Fire and Police Departments had expressed concerns about the annexation of this property; he questioned what would happen if the plans to remove the mobile homes and develop a business park did not come to fruition.

Assistant City Manager Morgan stated that if Council approved the annexation and original zoning, they would be taking the word of private individuals with regard to their intentions to have the mobile homes removed. Stating that Council could address this issue at the time the public hearing was held for the annexation and original zoning, Assistant City Manager Morgan suggested that Council adopt the resolution calling the public hearing.

Councilmember Carmany moved adoption of the resolution. The motion was seconded by Councilmember Phillips; the resolution was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Holliday, Johnson, Phillips and Wells. Noes: None.

168-06 RESOLUTION CALLING A PUBLIC HEARING FOR SEPTEMBER 5, 2006 ON THE ANNEXATION OF TERRITORY TO THE CORPORATE LIMITS – LOCATED AT 3820 McCONNELL ROAD – 27.66 ACRES

WHEREAS, the owner of all the hereinafter described property, which is non-contiguous to the City of Greensboro, has requested in writing that said property be annexed to the City of Greensboro;

WHEREAS, Chapter 160A, Section 58.1 of the General Statutes of North Carolina provides that territory may be annexed after notice has been given by publication one time in a newspaper of general circulation in the city;

WHEREAS, at a regular meeting of the City Council on the 15th day of August, 2006, the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED AT 3820 McCONNELL ROAD – 27.66 ACRES)

Section 1. Pursuant to G.S. 160A-58.1, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the western margin of the right of way of McConnell Road, said point being the southeastern corner of property now or formerly owned by Birmingham Place Communities, L.L.C. (formerly Country Club Communities, L.L.C.) (Tax Map #ACL 4-217-402N-3); THENCE ALONG THE EXISTING CITY LIMITS and the southern line of said Birmingham Place property, South 84°28'19" West 2,005.38 feet to a point, in the eastern line of property now or formerly owned by Pierre & Carolyn Gorla (Tax Map #ACL 4-217-402N-21); thence along the eastern line of said Gorla property, North 01°56'15" East 786.89 feet to a point in the southern line of property now or formerly owned by Larry D. Maddox & others, Deed recorded in Book 6222, Page 336, Guilford County Registry (Tax Map #ACL 4-217-402N-6); THENCE DEPARTING FROM THE EXISTING CITY LIMITS and along the southern line of the said Maddox & Others property and the southern line of property now or formerly of Athens Investments, Deed recorded in Book 3728, Page 1729, Guilford County Registry (Tax Map #ACL 4-217-367N-31), South 88°16'29" East 1,226.85 feet to a point; continuing thence with the line of the said Athens Investments property, the following 10 courses and distances: South 02°07'48" West 35.00 feet to a point; South 87°52'12" East 30.00 feet to a point; North 02°07'48" East 25.00 feet to a point; South 87°54'09" East 311.00 feet to a point; South 23°25'23" East 110.10 feet to a point; North 66°36'46" East 10.00 feet to a point; South 23°23'14" East 10.00 feet to a point; South 66°36'46" West 10.00 feet to a point; South 23°23'14" East 118.99 feet to a point and North 75°42'40" East 159.81 feet to a point in the western margin of the right of way of McConnell Road; thence along the right of way of McConnell Road, South 23°22'56" East 385.49 feet to a point, the point and place of BEGINNING; containing 27.6 acres, more or less as shown on boundary drawing by Borum Wade & Associates, P.A., dated May 2, 2006, entitled "Country Club Communities, LLC, Annexation Map – McConnell Road."

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after February 28, 2007, the liability for municipal taxes for the 2006-2007 fiscal year shall be prorated on the basis of 7/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2007. Municipal ad valorem taxes for the 2007-2008 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after February 28, 2007.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That Tuesday, September 5, 2006 at 5:30 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than August 26, 2006.

(Signed) Sandy Carmany

.....

The Mayor introduced a resolution calling a public hearing for September 5, 2006 on the annexation of territory to the corporate limits-located at 601 and 605 Kallamdale Road-5.80 acres which had been removed from the Consent Agenda by Councilmember Gatten.

Councilmember Gatten noted the Fire Department had issued a caution regarding the level of service that would be provided to this site and spoke to the importance of passing the fire station bonds.

After Assistant City Manager Morgan commented on the level of service and spoke to the need to build a fire station per year to meet the fire service needs, Councilmember Gatten moved adoption of the resolution. The motion was seconded by Councilmember Carmany; the resolution was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Holliday, Johnson, Phillips and Wells. Noes: None.

169-06 RESOLUTION CALLING A PUBLIC HEARING FOR SEPTEMBER 5, 2006 ON THE ANNEXATION OF TERRITORY TO THE CORPORATE LIMITS – LOCATED AT 601 AND 605 KALLAMDALE ROAD – 5.80 ACRES

WHEREAS, the owners of all the hereinafter described property, which is contiguous to the City of Greensboro, have requested in writing that said property be annexed to the City of Greensboro;

WHEREAS, Chapter 160A, Section 31 of the General Statutes of North Carolina provides that territory may be annexed after notice has been given by publication one time in a newspaper of general circulation in the city;

WHEREAS, at a regular meeting of the City Council on the 15th day of August, 2006, the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED AT 601 AND 605 KALLAMDALE ROAD – 5.80 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at the Southwest corner of Lot 8 of Fieldstone Section 1 as recorded in Plat Book 124, Page 101; THENCE ALONG THE EXISTING CITY LIMITS and the southern line of said Fieldstone Section 1 South 88 degrees 47 minutes East an approximate distance of 553.31 feet to a point in the eastern margin of the right-of-way for Old Randleman Road (SR 1104), thence along the eastern right-of-way line for Old Randleman Road North 3 degrees 46 minutes 23 seconds East an approximate distance of 310 feet to a point at the intersection of the eastern right-of-way for Randleman Road (SR 1007) and the western right-of-way for Old Randleman Road; thence along the western right-of-way line for Randleman Road South 10 degrees 44 minutes 59 seconds East an approximate distance of 570 feet to a point; thence across the right-of-way for Randleman Road North 70 degrees 16 minutes 59 seconds East and approximate distance of 100 feet to a concrete monument marking the eastern right-of-way for Randleman Road; THENCE DEPARTING FROM THE EXISTING CITY LIMITS and along the eastern right-of-way line for Randleman Road South 11 degrees East approximately 210 feet to the northern line of the property purchased by the North Carolina Department of Transportation and used for Interstate 85; thence North 75 degrees 31 minutes 59 seconds West along said northern line of the property purchased by the North Carolina Department of Transportation and used for Interstate 85 a distance of approximately 1,300 feet to a point in the southern line of Fieldstone Section 2 as recorded in Plat Book 125, Page 2; THENCE ALONG THE EXISTING CITY LIMITS and along said southern line of Fieldstone Section 2 South 88 degrees 47 minutes East a distance of 440.57 feet to the southeast corner of said Fieldstone Section 2; thence North 06 degrees 55 minutes East along the East line of said Fieldstone Section 2 a distance of 132.00 feet to the point and place of Beginning, containing 5.80 acres more or less.

Section 2. The owners agree to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owners shall be fully responsible for extending water and sewer service to the property at said owners' expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after November 30, 2006, the liability for municipal taxes for the 2006-2007 fiscal year shall be prorated on the basis of 7/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2007. Municipal ad valorem taxes for the 2007-2008 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after November 30, 2006.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That Tuesday, September 5, 2006 at 5:30 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than August 26, 2006.

(Signed) Florence F. Gatten

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The Mayor introduced an ordinance establishing in the amount of \$42,000,000 Water Resources Capital Project Bond Fund—Series 2007.

Explaining the need to finance certain water and wastewater system improvements, Allan Williams, Director of Water Resources, stated the Water Resources Capital Improvement Program identified \$164 million in water and sewer capital project needs in the next four years. He detailed financing sources for the projects and stated Council actions were necessary before the projects could proceed. In response to Council inquiries, Mr. Williams advised that Greensboro's water resources were in good shape.

Councilmember Gatten moved adoption of the ordinance. The motion was seconded by Councilmember Johnson; the ordinance was adapted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Holliday, Phillips and Wells. Noes: None.

06-182 ORDINANCE ESTABLISHING WATER RESOURCES CAPITAL PROJECT BOND FUND – SERIES 2007

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1

That the Water Resources Capital Project Bond Fund-Series 2007 Budget of the City of Greensboro be established for the life of the project, as follows:

<u>Description</u>	<u>Amount</u>
Water and Sewer Capital Projects	\$40,000,000
Capitalized Interest & Issuance Costs	<u>2,000,000</u>
Total	\$42,000,000

And, that the following revenue fund these appropriations:

<u>Description</u>	<u>Amount</u>
Revenue Bonds	\$40,000,000
Interest Earnings	<u>2,000,000</u>
Total	\$42,000,000

Section 2

And, that this ordinance shall become effective upon adoption.

(Signed) Florence F. Gatten

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Mayor Holliday introduced a resolution approving change order in the amount of \$920,169.35 in Contract No. 2006-006 with Heitkamp, Inc. for the water line rehabilitation project—Sunset Hills, Market/Friendly Area.

Mr. Williams described the project, spoke to the original contract and noted that the City had the ability to have change orders added to the contract if the contractor performed well; he stated this would eliminate the need to re-bid the project and take a risk with another contractor.

Councilmember Phillips moved adoption of the resolution. The motion was seconded by Councilmember Johnson; the resolution was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Holliday, Phillips and Wells. Noes: None.

170-06 RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 2006-006 WITH HEITKAMP, INC. FOR THE WATER LINE REHABILITATION PROJECT – SUNSET HILLS, MARKET/FRIENDLY AREA

WHEREAS, Contract No. 2006-006 with Heitkamp, Inc. provides for construction of the ongoing water rehabilitation work to be done;

WHEREAS, due to the additional rehabilitation of water lines in the areas of Lake Daniel, Sunset Hills and Walker Avenue it is necessary to install, clean and replace valves and hydrant assemblies, thereby necessitating a change order in the contract in the amount of \$920,169.35.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That a change order in the above-mentioned contract with Heitkamp, Inc. for the water line rehabilitation project – Sunset Hills, Market/Friendly area is hereby authorized at a total cost of \$920,169.35, payment of said additional amount to be made from Account No. 503-7016-01.6016, Activity No. 07081.

(Signed) Thomas M. Phillips

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. After Mayor Holliday introduced a resolution authorizing Culvert Participation Agreement with Replacements Ltd. for the Knox Road Realignment Project, Councilmember Johnson moved adoption of the resolution. The motion was seconded by Councilmember Phillips; the resolution was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Holliday, Phillips and Wells. Noes: None.

171-06 RESOLUTION AUTHORIZING CULVERT PARTICIPATION AGREEMENT WITH REPLACEMENTS LTD. FOR THE KNOX ROAD REALIGNMENT PROJECT

WHEREAS, ON July 31, 1975, the City Council adopted the Culvert Participation Policy;

WHEREAS, under this policy developers may enter into agreement with the City whereby the City agrees to cover a portion of the construction costs for concrete box culverts required for development projects;

WHEREAS, Replacements, Ltd. is developing property on Knox Rd. at the project referred to as Knox Rd. Realignment Project which qualifies for City participation under the 1975 Culvert Participation Policy and would like to enter into a Municipal Construction Contract Culvert and Bridge Participation Agreement presented herewith this day;

WHEREAS, the City's cost for this Agreement will not exceed \$320,020.47.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That said project is hereby formally approved by the City Council of the City of Greensboro and that the City Council authorizes the City Manager to sign and execute the agreement with the Replacements, Ltd. at a cost not to exceed \$320,020.47, payment of said amount to be made from Account No. 402-4531-01.6016 CBR 03219.

(Signed) Yvonne J. Johnson

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After the Mayor stated that Council would discuss a motion to adopt 2007 Council meeting and briefing schedules, Councilmember Gatten suggested that Council consider eliminating the January 2, 2007 and July 3, 2007 meetings to ensure staff would be able to celebrate the holidays and not have to work to prepare for the meetings.

Councilmember Phillips moved to adopt the 2007 Council meeting and briefing schedules with the amendments offered by Councilmember Gatten. The motion was seconded by Councilmember Johnson and adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Holliday, Johnson, Phillips and Wells. Noes: None.

2007 COUNCIL MEETING DATES

January 2	Canceled by Council Action
January 16	
February 6	
February 20	
March 6	
March 20	
April 3	
April 17	
May 1	
May 15	
June 5	
June 19	
July 3	Canceled by Council Action
July 17	
Aug. 6 (Monday)	Changed from August 7 in order to observe Police National Night Out
August 21	
September 4	
September 18	
October 2	
October 16	
November 6	
November 20	
December 4	
December 18	
January 1, 2008	Canceled per Code of Ordinances Requirements

Council Meetings are held at **5:30 p.m.** in the Council Chamber in the Melvin Municipal Office Building, 300 West Washington Street, Greensboro, NC, unless otherwise noted.

2007 COUNCIL BRIEFING DATES

January 23	
February 27	
March 27	
April 24	
May 22	
June 26	
July 24	
August 28	
September 25	
October 23	
November 27	
December	No briefing

Council briefings are held at **8:30 a.m.** in the Plaza Level Conference Room in the Melvin Municipal Office Building, 300 West Washington Street, Greensboro, NC, unless otherwise noted.

The date or time of the Council meetings and briefings may be changed if deemed necessary by the City Council.

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Noting that Council would consider two addendum items, Mayor Holliday introduced an ordinance amending in the amount of \$10,000 State, Federal and Other Grants Fund Budget for the appropriation of Governor's Highway Safety Grant Coordinator Funds.

Councilmember Bellamy-Small moved adoption of the ordinance. The motion was seconded by Councilmember Wells; the ordinance was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Holliday, Phillips and Wells. Noes: None.

06-183 ORDINANCE AMENDING STATE, FEDERAL AND OTHER GRANTS FUND BUDGET FOR THE APPROPRIATION OF GOVERNOR'S HIGHWAY SAFETY GRANT COORDINATOR FUNDS

Section 1

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the State, Federal, and Other Grants Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the State, Federal and other Grants Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-3522-01.5235	Small Tools and Equipment	\$5,400
220-3522-01.5520	Seminars/Training Expenses	<u>\$4,600</u>
TOTAL:		\$10,000

And, that this increase be financed by increasing the following State, Federal, and Other Grants Funds accounts:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-3522-01.7110	State Grant	<u>\$10,000</u>
TOTAL:		\$10,000

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) T. Dianne Bellamy-Small

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Mayor Holliday introduced an ordinance amending in the amount of \$23,956 State, Federal and Other Grants Fund Budget to fund increases in the Governor's Highway Safety Grant.

After brief comments, Councilmember Carmany moved adoption of the ordinance. The motion was seconded by Councilmember Bellamy-Small; the ordinance was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Holliday, Phillips and Wells. Noes: None.

172-06 ORDINANCE AMENDING STATE, FEDERAL AND OTHER GRANTS FUND BUDGET TO FUND INCREASES IN THE GOVERNOR'S HIGHWAY SAFETY GRANT

Section 1

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the State, Federal, and Other Grants Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the State, Federal and other Grants Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-3595-01.4110	Salaries and Wages	\$ 18,956
220-3595-01.5949	Miscellaneous	<u>\$ 5,000</u>
TOTAL:		\$ 23,956

And, that this increase be financed by increasing the following State, Federal, and Other Grants Funds accounts:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-3595-01.9101	Transfer from General Fund	\$ 9,096
220-3595-01.7104	Federal Forfeiture	\$ 3,750
220-3595-01.7110	State Grant	<u>\$ 11,110</u>
TOTAL:		\$ 23,956

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Sandy Carmany

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Council discussed events and items of interest, including but not limited to National Night Out celebrations, the significance of the opening of the Walmart store in Northeast Greensboro, activities at recreation centers, the Greensboro Collegiate Council reception hosted earlier by Councilmember Wells, Youth Leadership Program activities, the upcoming North Carolina League of Municipalities meeting in Greensboro, the State of Our Community luncheon, events at Bryan Park, etc.

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Councilmember Bellamy-Small moved that the following individuals be appointed or reappointed to the respective board or commission:

- Tonya D. Clinkscale to be appointed to serve a term on the Community Resource Board in the position formerly held by Diana Olden; this term will expire 15 August 2008.
- Kimberly Lightsey to be appointed to fill the unexpired portion of term of Ainsley Owens on the Human Relations Commission; this term will expire 15 August 2007.
- Anthony Dillard to be reappointed to serve an additional term on the Greensboro Library Board of Trustees; this term will expire 15 August 2009.
- Philbert Neal to be reappointed to serve an additional term on the Greensboro Transit Authority; this term will expire 15 August 2009.
- Dottie Alston to be appointed to serve a term on the Commission on the Status of Women in the position formerly held by Faye Stanley; this term will expire 15 August 2009.
- Randy Scott to be reappointed to serve an additional term on the Parks and Recreation Commission; this term will expire 15 August 2008.

The motion was seconded by Councilmember Barber and adopted unanimously by voice vote of Council.

After Council discussed opinions and concerns about Councilmember Bellamy-Small's proposed motion to reappoint Portia Shipman to the Zoning Commission, some members of Council requested information about Ms. Shipman's attendance and original appointment to the Commission. Councilmember Bellamy-Small requested that this appointment be delayed and that she be permitted to appoint an individual to this position.

Councilmember Bellamy-Small added the following names to the data bank for consideration for future service in the specified areas: Cassandra Rogers, Redevelopment Commission and Randy Trapp, Minimum Housing Standards Commission.

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The Mayor declared a recess at 7:40 p.m.

The meeting reconvened at 7:58 p.m. with all members present except Councilmember Groat who was excused from attendance earlier in the meeting.

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Councilmember Bellamy-Small commended the Transportation Department for the roadway improvements on Randleman Road.

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Speaking to a recent meeting at the PART offices, Councilmember Carmany stated the State and Federal representatives were encouraging local transportation agencies to consider regional cooperation and coordination in working to develop a regional transportation system. She noted that the combining of local services to create a regional transportation system would be cost effective, eliminate duplication of services, offer better service, contribute to better air quality, potentially provide some reduction in the wear and tear on existing roadways, etc. She stated that the State would provide funding for a study of the existing transportation programs, that a memo of understanding would be developed to determine what would be reviewed and what the municipalities hoped to accomplish, and that a more detailed report would be presented at a future Council briefing. The Mayor offered his opinion that the current systems are not efficient.

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Noting the special requirements for positions on the Tourism Development Authority, Councilmember Phillips moved to reappoint Stephen Klee and James Reynolds to serve additional terms on the Authority; these terms will expire 30 September 2009. The motion was seconded by Councilmember Carmany and adopted unanimously by voice vote of Council.

Stating that Ruby Jones had done an excellent job on the Piedmont Triad Regional Water Authority and that the Authority had requested her reappointment for an additional term, Councilmember Phillips moved that Ms. Jones be reappointed to the Authority; this term will expire 30 September 2009. The motion was seconded by Councilmember Carmany and adopted unanimously by voice vote of Council.

In response to Council inquiries, Councilmember Phillips provided an update with regard to the status of the Randleman Dam and the ongoing process that was required to fill the lake.

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Mayor Holliday noted that Greensboro's City Clerk, Juanita Cooper, would host the 2006 Annual Conference of the North Carolina Association of Municipal Clerks; he provided details with regard to the event. Speaking to the Ms. Cooper's contributions as the City Clerk for Greensboro and to the City Council, the Mayor expressed appreciation for her service and dedication.

The Mayor reminded Council of the Council Briefing scheduled for 8:30 a.m. on Tuesday, August 22.

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Speaking to his recent vacation, the City Manager expressed appreciation to Council for allowing him to be away from the office for that period of time.

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Councilmember Bellamy-Small moved that the City Council adjourn. The motion was seconded by Councilmember Carmany and adopted unanimously by voice vote of the Council.

THE CITY COUNCIL ADJOURNED AT 8:20 P.M.

KEITH A. HOLLIDAY
MAYOR

JUANITA F. COOPER
CITY CLERK
